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REMARKS

In the Non-Final Office Action of August 26, 2004, claims 1-40 are pending. Claims 1, 25, 29, 34, and 40 are independent claims from which all other claims depend therefrom. Claims 25-28 and 40 are allowed. The Applicant recognizes the allowability of claims 3, 5, 7, 8, 10, 11, 19, and 20 if rewritten in independent form. In the Office Action it is stated that claim 31 is both rejected under 35 U.S.C. 102(b) and allowable if rewritten in independent form. Applicant assumes that claim 31 is also allowable if rewritten in independent form, for the reasons stated below.

Claims 1-2, 4, 6, 9, 12-18, 21-22, 24, 29, 31, and 32-39 stand rejected under 35 U.S.C. 102(b) as being anticipated by Olliges et al. (USPN 6,659,225). Applicants, respectfully, traverse. Olliges fails to teach or suggest an overhead area access staircase system having multiple stair segments that are actuated relative to each other when deployed, where each of the stair segments have multiple stair elements and support members.

Claims 1 and 29 have similar limitations and are therefore described together. Claim 1 recites an overhead area access staircase system for an aircraft that includes an aircraft overhead module and multiple stair segments. The stair segments are actuated relative to each other when deployed. The stair segments include multiple step elements and multiple support members coupled to the step elements. Claim 29 recites an aircraft having an overhead area access staircase system as recited in claim 1.

The Office Action states that Olliges discloses a stairwell having slidable stairs (32a). Although this may be true, the slidable stairs or steps 32a-c are not stair segments and are not actuated relative to each other. Olliges discloses a stairway section 32 having slidable steps 32a-c. The slidable steps are fixed to frame member 32d and are actuated or slid in unison. The slidable steps are not slid relative to each other. Also, as stated, the slidable steps are not stair segments as claimed. The stair segments as claimed include multiple step elements and multiple support members. In addition, only the single stairway section 32 is actuated, multiple stair segments are not actuated relative to each other as claimed.

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In order for a reference to anticipate a claim the reference must teach or suggest each and every element of that claim, see MPEP 2131 and *Verdegrad Bros. V. Union Oil Co. of California*, 814 F.2d 628. Thus, since each and every element of claims 1 and 29 are not taught or suggested by Olliges, Applicant submits that claims 1 and 29 are novel, nonobvious, and are in a condition for allowance. Applicant also submits that since claims 2, 4, 6, 9, 12-18, 21-22, 24, 31, 32, and 33 depend from claim 1, they are also novel, nonobvious, and are in a condition for allowance for at least the same reasons.

With regards to claim 31, although claim 31 is novel, nonobvious, and in a condition for allowance for the reasons stated above, Applicant assumes that claim 31 is also novel, nonobvious, and is in a condition for allowance due to the additional limitations recited therein over that of claim 29. Claim 31 further recites that the stair segments of claim 29 are configured to fold onto each other when stowed. Applicant submits that the steps 32a-c of Olliges do not fold onto each other, as admitted to in paragraph 5 of the Office Action.

Claim 34 recites a method of accessing an overhead area of an aircraft. The method includes: opening an aircraft overhead module; releasing an overhead area access staircase system having multiple stair segments; unfolding the stair segments; and ascending the stair segments.

As stated above, the steps 32a-c of Olliges are not unfolded. Also, the stairway section of Olliges is not unfolded, but is rather pivoted. Thus, Olliges also fails to teach or suggest each and every element of claim 34, therefore, claim 34 is also novel, nonobvious, and are in a condition for allowance. Since claims 35-39 depend from claim 34, they are also novel, nonobvious, and are in a condition for allowance for at least the same reasons.

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In light of the remarks, Applicant submits that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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